

TRUE VOTE CONNECTICUT

<http://www.truevotect.org>

80 Killdeer Road
Hamden, CT 06517

December 8, 2005

Ms. Susan Bysiewicz
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Secretary Bysiewicz,

The State of Connecticut created the July 23, 2003, State Plan under your direction as required by the Help America Vote Act. We request that you, as Chief Election Officer of the State of Connecticut, invoke the provisions of section (K) for revising the Plan to take account of several developments in the voting landscape that have taken place since the Plan was formulated and that materially affect the Plan.

The Plan contains the following implementation strategy to bring Connecticut's Voting Systems into compliance with HAVA:

- a) Planning - Connecticut will conduct a demonstration project using electronic voting technology pursuant to Connecticut Public Act 03-7. Such demonstration project will require a full written report of the results of such project. The report will then be used as a reference when Connecticut proceeds with final certification of electronic voting equipment.
- b) Implementation – The State of Connecticut will place one electronic voting system in each polling location in Connecticut. After such initial step, Connecticut will require each municipality to assess the overall condition of their voting equipment and submit a plan to the Secretary of the State indicating whether the municipality will seek to replace all lever voting systems; only a portion of the lever voting systems; or continue to rely solely on such systems for all elections in the municipality. Such plan will also detail the municipality's plan of implementation if lever voting systems are to be replaced. Upon receipt of such plan, Connecticut will review procurement options for the electronic voting systems and create schedules, work plans and trainings to effectively replace all non-compliant voting systems in the State.

The planning of part (a) has been completed. The implementation of the first step of part (b), to place one electronic voting system in each polling location in Connecticut, has been initiated through the issuance of RFP 04PSX0401 for "Direct Recording Electronic ('DRE') Voting Machines". The remaining steps of part (b) have yet to be done.

Some of the new developments that materially affect the Plan and require its revision are listed below:

1. New Federally-certified accessible optical scan technology opens up the previously-unavailable option of meeting the disabled accessibility requirements and the manual audit requirements of HAVA by a single unified voting system and calls into question the wisdom of upgrading Connecticut's voting systems in a piecemeal fashion as contained in the Plan.
2. The passage of SB55 (now Public Act No. 05-188) requiring voter-verified paper records materially affects the voting machines available to the State and makes the information that was gained from the demonstration project pursuant to Connecticut Public Act 03-7 less relevant to the current acquisition process.
3. The passage of HB6669 (now Public Act No. 05-235) establishing the Voting Technology Standards Board provides a legislatively mandated means for establishing State standards for the certification of voting systems. The Plan needs to flesh out the process for determining that new voting systems are in compliance with HAVA requirements.
4. The September 8, 2005, Elections Assistance Commission ruling that reaffirms that the towns must replace their lever machines by 1/1/06 means that the State no longer has the luxury of a phased approach to meeting HAVA's requirements. Both the accessibility requirements and the manual audit capability requirements must be met by the same date, 1/1/06, in order to comply with HAVA. This also dictates against a piecemeal approach to voting system acquisition and argues for the Plan to be revised to incorporate a unified approach to meeting all voting system requirements.
5. The failure of the Elections Assistance Commission to publish voting machine standards in a timely matter affects the manner in which the State must judge compliance of voting systems with HAVA requirements. Lacking Federal standards, the State must formulate adequate procedures for setting and applying its own standards for use in certifying new equipment. The VTSB is a body charged with setting standards. The process by which machines are certified as complying with those standards still needs to be defined and would be appropriately included in an updated Plan.
6. The long delays in the RFP process have made it impossible to meet the 1/1/06 HAVA deadline for having new equipment in place. The May 10, 2005 letter from the US Department of Justice to the Louisiana Secretary of State affirms that all states must have accessible voting systems ready for use by that date and makes clear that merely having purchased a HAVA-compliant system is not sufficient. Because that date is less than four weeks away, it appears likely that the performance goal for meeting §301 requirements by January 1, 2006 (page 16 of the Plan) can not be met and that a new goal must be established. This also will materially affect the Plan.
7. The inadequacies of the three finalist machines demonstrated to the public last month show a technology that is less mature than might have been anticipated when the Plan was formulated. This further argues for the need to reconsider the available technologies and to formulate a revised Plan for specifying and

evaluating machines that will ensure the integrity and accessibility of voting systems for all Connecticut voters.

Sincerely yours,

Michael J. Fischer
Connecticut Voter and Director, TrueVote CT

CC:

Governor Jodi Rell
Attorney General Richard Blumenthal
Mr. Richard Abbate, President, ROVAC
Ms. Linda Yelmini, Commissioner, Department of Administrative Services
Ms. Susan Thomas, Contract Officer, Department of Administrative Services
Mr. Jeffrey Garfield, Executive Director, State Elections Enforcement Commission
Sen. Donald DeFronzo, Co-Chair, GAE Committee
Rep. Christopher Caruso, Co-Chair, GAE Committee
Rep. Timothy O'Brien, Vice-Chair, GAE Committee
Rep. Edward Meyer, Vice-Chair, GAE Committee
Rep. Livvy Floren, Ranking Member, GAE Committee
Sen. Judith Freeman, Ranking Member, GAE Committee
Ms. Jara N. Burnett, Co-President, League of Women Voters of Connecticut
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Ms. Christine Horrigan, Director, Government, LWVC
Mr. Tom Swan, Executive Director, Connecticut Citizen Action Group